

REMARKS

The present application was filed on July 16, 2003 with claims 1 through 22 and is a continuation of United States Patent Application Number 09/556,722. Claims 1-22 are presently pending in the above-identified patent application.

5 In the Office Action, the Examiner rejected claims 1, 2, 5, 10-13, 17, and 22 under 35 U.S.C. §102(b) as being anticipated by Herz et al. (United States Patent Publication Number 2001/0014868), rejected claims 3, 4, 6-9, 14, 15, 18, 20, and 21 under 35 U.S.C. §103(a) as being unpatentable over Herz et al. in view of Ojha et al. (United States Patent Number 6,598,026), and rejected claims 16 and 19 under 35 U.S.C.
10 §103(a) as being unpatentable over Herz et al. in view of Issa (United States Patent Publication Number 2003/0093355).

Independent Claims 1 and 20-22

Independent claims 1 and 22 were rejected 35 U.S.C. §102(b) as being anticipated by Herz et al. and independent claims 20 and 21 were rejected under 35
15 U.S.C. §103(a) as being unpatentable over Herz et al. in view of Ojha et al.

Regarding claim 1, the Examiner asserts that the process disclosed by Herz is capable of being adapted to determine whether the user chooses to receive bids on the one or more products described in the information, and adapted to create a bid request if the user chooses to receive bids on the one or more products described in the
20 information. Regarding claims 20 and 21, the Examiner acknowledges that Herz fails to disclose determining whether the user chooses to receive bids on the one or more selected products described in the information, creating a bid request if the user chooses to receive bids on the one or more selected products described in the information,...the bid request requesting a bid on the one or more selected products and at least one of the one or more
25 related products, and receiving bids from the stores. The Examiner asserts, however, that Ojha discloses these limitations. In the Response to Arguments, the Examiner asserts that Applicant's arguments filed April 8, 2005, fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes
30 them from the references. The Examiner further asserts that Ojha discloses a system and method that allows a buyer to create a shopping list and designate "whether a particular

item will automatically solicit quotes from a plurality of sellers” and that the bid request disclosed by Ojha is “sent to the plurality of sellers to solicit quotes over the network shown in Figure 1.”

First, whether or not the system disclosed by Herz is capable of being adapted to perform the cited steps, Herz does not disclose or suggest the cited steps. Regarding the Examiner’s assertion that Applicant’s arguments filed April 8, 2005, fail to comply with 37 CFR 1.111(b), Applicants note that the response specifically pointed out how the language of the claims patentably distinguishes them from the references on page 11, line 21, to page 12, line 7. More specifically, Herz, for example, does not disclose or suggest determining whether the user chooses to receive bids on the one or more products described in the information, and adapted to create a bid request if the user chooses to receive bids on the one or more products described in the information, as required by independent claim 1.

Second, Applicants note that, in the text cited by the Examiner, Ojha teaches:

when the buyer finishes specifying the product and clicks on "Go," a *search of a proprietary database* is initiated in response to which relevant product information is presented in the form of a list of products as shown in interface 500 of FIG. 5. Each entry in the list includes the manufacturer, specific product information, and a *product price (e.g., the "Lowest Price" column which displays the lowest list price from among the **sellers** selling the specific product via the transaction site).* (Col. 9, lines 37-45; emphasis added.)

Ojha teaches, therefore, that the proprietary database contains a compilation of information from a number of sellers, e.g. the “Lowest Price.” In the text cited by the Examiner in the Response to Arguments, Ojha does disclose designating “whether a particular item will automatically solicit quotes from a plurality of sellers.” Applicants could find *no* disclosure by Ojha, however, that the bid request is “*sent to the plurality of sellers to solicit quotes over the network* shown in Figure 1,” as asserted by the Examiner. Thus, Ojha does *not* disclose or suggest that a bid request is sent to one or more stores or over one or more network interfaces.

Thus, Herz et al. and Ojha et al., alone or in combination, do not disclose or suggest a bid agent process adapted to determine whether the user chooses to receive

bids on the one or more products and adapted to *create a bid request* if the user chooses
 to receive bids on the one or more products described in the information; and a broker
 that *sends the bid request over one or more of the network interfaces to one or more*
stores, and wherein the broker receives bids from the stores and resends the bids over one
 5 or more of the network interfaces to a user, as required by independent claim 1, do not
 disclose or suggest determining whether the user chooses to receive bids on the one or
 more selected products described in the information; *creating a bid request* if the user
 chooses to receive bids on the one or more selected products described in the
 information; *sending a bid request over one or more network interfaces to one or more*
 10 *stores*, the bid request requesting a bid on the one or more selected products and at least
 one of the one or more related products; and *receiving bids from the stores* and resending
 the bids over one or more of the network interfaces to a user, as required by independent
 claims 20 and 21, and do not disclose or suggest a bid agent process that determines
 whether the user chooses to receive bids on the one or more products described in the
 15 information, *where the bid agent process prepares a bid request* when the user chooses to
 receive bids on the one or more products described in the information, and *where the bid*
agent process communicates the bid request over the one or more network interfaces and
communicates to the user any bids received over the one or more network interfaces, as
 required by independent claim 22.

20 Additional Cited References

Issa was also cited by the Examiner for its disclosure of a method, system,
 and computer site for conducting an online auction. In the Response to Arguments
 Section of the present Office Action, the Examiner asserts that Issa states that “each seller
 is presented with a set of continually variable data, automatically and dynamically
 25 compiled from the aggregate of placed orders,” and that this suggests that multiple sellers
 are solicited to bid on orders or requests. Applicants note that Issa is directed to an
 Internet auction method, system and computer site where independent and/or unrelated
 buyers are automatically pooled to buy products/services as a group in order to entice
 competitive bidding from pre-approved sellers who take advantage of the large group
 30 sales to bid (offer) discounts. (See, Abstract.) Regarding the Examiner’s assertion that
 multiple sellers are solicited to bid on orders or requests, Applicants note that Issa

provides information on the bidding process to sellers; Issa, however, does *not* send a *bid request*. Thus, Issa does not address the issue of sending a bid request to one or more stores or over one or more network interfaces.

Thus, Issa does not disclose or suggest a bid agent process adapted to
 5 determine whether the user chooses to receive bids on the one or more products and adapted to *create a bid request* if the user chooses to receive bids on the one or more products described in the information; and a broker that *sends the bid request over one or more of the network interfaces to one or more stores*, and *wherein the broker receives bids from the stores* and resends the bids over one or more of the network interfaces to a
 10 user, as required by independent claim 1, does not disclose or suggest determining whether the user chooses to receive bids on the one or more selected products described in the information; *creating a bid request* if the user chooses to receive bids on the one or more selected products described in the information; *sending a bid request over one or more network interfaces to one or more stores*, the bid request requesting a bid on the one
 15 or more selected products and at least one of the one or more related products; and *receiving bids from the stores* and resending the bids over one or more of the network interfaces to a user, as required by independent claims 20 and 21, and does not disclose or suggest a bid agent process that determines whether the user chooses to receive bids on the one or more products described in the information, *where the bid agent process*
 20 *prepares a bid request* when the user chooses to receive bids on the one or more products described in the information, and *where the bid agent process communicates the bid request over the one or more network interfaces and communicates to the user any bids received over the one or more network interfaces*, as required by independent claim 22.

Dependent Claims 2-19

25 Dependent claims 2, 5, 10-13, and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by Herz et al., claims 3, 4, 6-9, 14, 15, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Herz et al. in view of Ojha et al., and claims 16 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Herz et al. in view of Issa.

30 Claims 2-19 are dependent on claim 1, and are therefore patentably distinguished over Herz et al., Ojha et al., and Issa (alone or in any combination) because

of their dependency from amended independent claim 1 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1-22, are in condition for allowance and such favorable action is earnestly solicited.


5 If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

10

Respectfully submitted,

Date: August 19, 2005


Kevin M. Mason
Attorney for Applicants
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560

15